

From: ["Richard Blubaugh" <rlblubaugh@powertechuranium.com>](mailto:rlblubaugh@powertechuranium.com)
To: [Yilma](#)
["Haimanot";'John Eddins';"Lynne" <Sebastian";'Sant>](#)
[Mark';'Smith](#)
[Gary';'Fesko](#)
["Gregory";Marian atkins@blm.gov; Shea" <Brenda Shierts@blm.gov>](#)
[Valois](#)
CC: rfclement@powertechuranium.com
["John Mays" <jmays@powertechuranium.com>](mailto:jmays@powertechuranium.com)
Date: 2/25/2014 3:27:33 PM
Subject: RE: Final Draft Programmatic Agreement Appendix

Haimanot,

Lynne Sebastian, our consultant, and I have reviewed the final draft programmatic agreement appendices. We have the following comments:

- Ø Generally, the draft appears to capture the key elements of what has been discussed as necessary and appropriate in this programmatic agreement.
- Ø Draft Appendix D (1a)) refers to a 150 foot buffer from unanticipated discoveries, including human remains. Table 4.9-5 of the FSEIS contains an entry for Tribal Survey Numbers TS007-011 that states, “Avoid with no less than a 300 m protective buffer.” It would seem that human remains are about as sacred as sacred gets. How is it that one sacred site gets assigned a 150 foot buffer and another gets a 984 foot buffer? It is inconceivable that there are levels of buffer distances for sacredness. Powertech strongly recommends that the 150 foot buffer be applied to all TCP sites.
- Ø Draft Appendix C seems to need some further clarification.
 - Under paragraph c) it is suggested that the word “participating” be inserted after “all” and before “agencies.”
 - It is recommended that Paragraph d) be reworded as follows: “Powertech will compile and distribute all reviews and comments received within 30 days of receipt of the report to the agencies and consulting parties.”
 - In paragraph e) the phrase “participating agencies and” should be inserted before “consulting parties.”
 - Also in paragraph e), it is strongly recommended that “60 days” be changed to “30 days.” The parties would have had the report 30 days for comment. If comments can be prepared and submitted within 30 days, arranging a conference call can be done within the following 30 days. 60 days is excessive for arranging a conference call.

Thank you for all your efforts to complete the 106 Process. Your diligence is appreciated.

Richard Blubaugh

VP-HS&E Resources
Powertech (USA) Inc.
303-790-7528
rblubaugh@powertechuranium.com

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]
Sent: Monday, February 24, 2014 11:59 AM
To: John Eddins (jeddins@achp.gov); rblubaugh@powertechuranium.com; 'Lynne Sebastian' (lsebastian@srifoundation.org); Sant, Mark (msant@blm.gov); Smith, Gary (gsmith@blm.gov); Fesko, Gregory (gfesko@blm.gov); Marian_atkins@blm.gov; 'Brenda_Shierts@blm.gov' (Brenda_Shierts@blm.gov); Shea.Valois@epa.gov
Subject: FW: Final Draft Programmatic Agreement Appendix

FYI

From: Terence Clouthier [<mailto:tclouthier@standingrock.org>]
Sent: Monday, February 24, 2014 1:53 PM
To: Yilma, Haimanot
Cc: Hsueh, Kevin; Luhman, Hope (hluhman@louisberger.com); Jamerson, Kellee; John Eddins; Paige.Olson@state.sd.us; Conrad Fisher; Steve Vance; Oglala THPO (oglalathpo@goldenwest.net); Dennis Yellow Thunder (ostnrrafd@gwtc.net); Waste'Win Young
Subject: RE: Final Draft Programmatic Agreement Appendix

Good afternoon,

I have attached the comments to the PA appendixes to this email which I was working on during the phone conference last Friday.

Thank you
Standing Rock Sioux Tribe

Terry Clouthier
Tribal Archaeologist

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]
Sent: Thursday, February 20, 2014 10:59 AM
To: Yilma, Haimanot
Cc: Hsueh, Kevin; Luhman, Hope (hluhman@louisberger.com); Jamerson, Kellee
Subject: Final Draft Programmatic Agreement Appendix

All,

Please find attached the draft Programmatic Agreement (PA) Appendix which incorporates editorial changes and minor additions based on comments received from consulting parties. In Appendix A, the NRC staff added tables to depict the amount of land that would be disturbed during the construction and operation of the Dewey-Burdock project. In the same appendix, the NRC staff also added a section to explain why a PA is required for this project as well as replaced figure 1

to show the visual APE. In Appendix B, the NRC staff updated or clarified the timeline as requested by some consulting parties.

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05